

City Clerk
One Government Center
Room 227
Fall River, MA 02772

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2018 DEC 14 P 4: 55

CITY CLERK
FALL RIVER, MA

Dear Madame City Clerk,

The purpose of this correspondence is to object, pursuant to G.L. c. 55B, § 7 and other relevant state and city law, to the certificate of petition for recall issued on December 12, 2018.

Based on information and belief, a substantial number of petition signatures are not valid signatures of registered voters because, on information and belief, they have been forged, duplicated, signed by someone other than the stated signatory without the requisite legal authority to sign on behalf of the stated voter, have an incorrect address, have an illegible signature or address, do not match voter signatures on the voter's signatory cards on file in Fall River, or there was no such registered voter or resident in Fall River at the time of signing. Moreover, there is evidence indicating that proponents of the recall petition were not the persons gathering the signatures. The act providing for recall elections in the City of Fall River, Chapter 292 of the Acts of 1980, requires the city clerk to deliver the petition blanks to the ten voters who are proponents of the petition, indicating that these ten voters were responsible for gathering the signatures themselves. There is no evidence of authenticity and validity of any of the signatures provided by the petitioners or by any other source. The recall petition must have authentic signatures from five percent (5%) of registered voters. When the affidavit required under St. 1980, c. 292 was filed, the stated registered voter count was 50,207, which would require signatures from 2,510 registered voters. The Board of Election Commissioners has not provided an updated number that includes all voters registered at the time of certification.

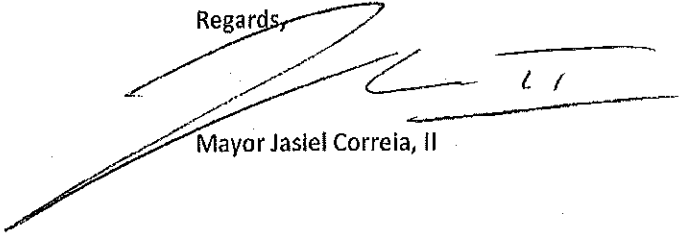
As a result of such errors and deficiencies, the recall petition does not have the requisite number of registered voter signatures for the petition to be certified as sufficient. At least three (3) days before an evidentiary hearing before the Board of Election Commissioners, we will provide additional evidence supporting the claims herein, including opinions from a handwriting expert.

At such hearing, the proponents of the petition should be obligated to prove the authenticity of the signatures contained thereon. See Stapleton v. Nyhan, 1995 WL 809921, *5, n.11 (Mass. Sup. Ct. 1995). In Stapleton v. Nyhan, the Superior Court judge noted that a recall election is considerably different from a typical election where the burden is on the challenger to prove that signatures are invalid. In a typical election scenario, a person challenging voter signatures is attempting to change the outcome expressed by the public will in electing an individual. In a recall election, however, the opposite occurs. As here, the elected official who is challenging the signatures is aligned with the will of the people as expressed in the general election. Fall River only requires five percent (5%) of registered voters to sign a petition to establish a recall election, where the voter turnout is likely to be less than in a general election and could represent something other than the overall will of the people. Under a

recall scenario, the judge recognized that the proper burden would be on the proponent of the recall petition to prove the authenticity of the signatures, not on the elected official.

Additionally, I hereby request that the City Clerk or Elections Commission evaluate the authenticity of the signatures by cross referencing the alleged signatures on the petition with the voter's signatory card, driver's license, or other government document produced in the normal course of business that would contain the signature of the voter.

Regards,


Mayor Jasiel Correia, II

Cc: City Council Chambers
1st Floor, Government Center
One Government Center
Fall River, MA 02772

Board of Elections Commission
One Government Center
Fall River, MA 02772